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Report of the Working Group on the Universal Periodic Review*

Myanmar

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. Myanmar actively participated in the Second Universal Periodic Review (UPR) on 6 November 2015 in view of its principled support to purpose and process of the UPR. Myanmar firmly believes that the UPR mechanism provides a platform where member states of the United Nations could interact in a transparent, constructive and equal manner which helps to improve all human rights situations. It undoubtedly contributes to achieve common goal of promotion and protection of human rights at national levels.

2. Myanmar accepted the recommendations which are agreeable in terms of its merit, objective and principle. Most of them are in line with Myanmar's current and envisioned efforts on promoting and protecting of human rights of its people. Some of the recommendations are acceptable in principle to Myanmar and their implementation will be sequenced in accordance with national priorities. Some recommendations did not enjoy Myanmar's support since they do not reflect the true situation of the country and constitute interference in domestic jurisdiction of a sovereign state. Others also include the usage of a nomenclature "Rohingya" which never exist in Myanmar's ethnic history and thus, is not recognized by the people and the Government of Myanmar.

3. At the second cycle of its review, Myanmar received a total of 281 recommendations from 93 member states. The initial responses were made on 10 November 2015 during the adoption of the report on Myanmar by the Working Group on the Universal Period Review (U PR). Out of the 281 recommendations, 124 recommendations were accepted while 69 recommendations did not enjoy Myanmar's support. The remaining 88 recommendations were taken back to the Capital for thorough examination.

4. In considering the 88 recommendations, Myanmar had held inclusive consultations with relevant Ministries as well as other stakeholders including the Myanmar National Human Rights Commission and Civil Society Organizations. As a result, Myanmar has decided to accept 11 recommendations in full; 30 recommendations in principle; and one recommendation in part. As such, Myanmar generally accepted additional 42 recommendations after the examination, making a total of 166 recommendations accepted out of the 281 recommendations.

5. This document provides Myanmar's views on the 88 recommendations in paragraphs 144.1 to 144.88 of the draft UPR outcome report in document A/HRC/31/13.

6. Myanmar fully accepted the following recommendations in addition to the 124 accepted recommendations which were mentioned in the document A/HRC/31/13:

144.29, 144.30, 144.31, 144.55, 144.73, 144.74, 144.80, 144.81, 144.82, 144.83 and 144.84.

7. Myanmar accepted in principle, to recommendations 144.1, 144.2, 144.3, 144.4, 144.5, 144.6, 144.7, 144.8, 144.9, 144.10, 144.11, 144.12, 144.13, 144.14, 144.15, 144.16, 144.17, 144.18, 144.19, 144.20, 144.21, 144.22, 144.23, 144.24, 144.25, 144.26 and 144.27. Myanmar has been actively reviewing its status in relation to all core international human rights instruments with a view to joining them in future. Myanmar will continue this exercise.

8. Myanmar accepted recommendations 144.75 and 144.76, in principle, and is reviewing domestic laws including the Bar Council Act to meet prevailing circumstances. Nonetheless, Myanmar is not in a position to accept prescriptive tone contained therein. Principally, Myanmar also accepted recommendation 144.77 as Myanmar is currently reviewing the Child Law to bring it in line more with the Convention on the Rights of the Child.

9. Myanmar accepted recommendation 144.72 in part because it is in accord with national policy on advancing of women empowerment. While the merit of the

recommendation is welcomed, Myanmar did not agree with the remaining part that contained prescriptive language and interfered in the domestic legislation and administration of the country.

10. Recommendations 144.33, 144.34, 144.35, 144.36, 144.37 and 144.38 did not enjoy Myanmar's support since Myanmar has been accepting the visits of the successive Special Rapporteurs on the situation of human rights in Myanmar. At the same time, questions raised by other special procedure mandate holders have been answered through written communications by the Government.

11. Myanmar is unable to support recommendations 144.39, 144.40, 144.41, 144.42, 144.43, 144.44 and 144.45. Myanmar is of the view that opening of an OHCHR country office should be based on mutually agreeable terms and conditions. Currently, cooperation with the OHCHR is ongoing as two OHCHR officers are operating in the country.

12. Recommendations 144.56, 144.57, 144.58, 144.59, 144.60, 144.61, 144.62, 144.63 and 144.64 did not enjoy Myanmar's support. Retaining or abolishing death penalty is a decision which falls within the domestic jurisdiction of a sovereign state given its history, social, culture and traditional values. Death penalty is retained in Myanmar to deter heinous crimes. However, no execution took place since 1989.

13. The recommendations 144.65, 144.66, 144.67, 144.68, 144.69, 144.70 and 144.71 did not enjoy Myanmar's support since there is no arbitrary arrest or detention in the country on political grounds. Actions are taken against only those who violate the existing laws of Myanmar.

14. Myanmar did not support recommendations 144.28, 144.47, 144.48, 144.49, 144.50, 144.51, 144.78 and 144.85 since Myanmar never exercise discriminatory practices based on race, religion or gender. The State Constitution guarantees the freedom of religion in its Article 34 which stipulates that *"Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution"*. This constitutional right is enjoyed by different communities in law and practice as their religious buildings lie side by side sharing same neighbourhood across the country demonstrating peaceful co-existence, tolerance and harmony. The Interfaith Friendship Group comprised of 122 organizations at central, states/ regions, districts and township levels are functioning actively and conveying messages of peace and harmony to the general public. As these recommendations are contrary to the situation on the ground, Myanmar is not in a position to accept any of them which would create misunderstandings and hamper Myanmar's pluralist society.

15. Recommendations 144.86 and 144.87 did not enjoy Myanmar's support since citizens of Myanmar are enjoying equal rights regardless of their race, culture or religion. Everyone who wishes to become a Myanmar citizen has the right to apply for citizenship and take part in transparent national verification process. Those who meet the criteria set out in 1982 Myanmar Citizenship Law have been granted citizenship. Temporary identification cards have been issued to those whose citizenship status is yet to be verified.

16. Myanmar is not in a position to support recommendations 144.52, 144.53 and 144.54 since there is no discrimination against any child born in Myanmar for registration.

17. Myanmar did not support recommendation 144.46 since abortion is prohibited by law as it is not socially and culturally acceptable in its society. However, there are some exceptions.

18. Recommendation 144.79 did not enjoy Myanmar's support since there are no restrictions of freedom of movement for its citizens.

19. Myanmar is not in a position to support recommendation 144.32 since it will be a decision to be taken by future administration.

20. Myanmar did not support recommendation 144.88 since there is no such law exists in Myanmar which allows compulsory acquisition of land by private businesses.